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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,397	07/22/2003	Igor C. Ivanov	5866-00400	6816
35617	7590	06/14/2007		
DAFFER MCDANIEL LLP P.O. BOX 684908 AUSTIN, TX 78768			EXAMINER KOCH, GEORGE R	
			ART UNIT 1734	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/624,397	Applicant(s) IVANOV ET AL.	
	Examiner George R. Koch III	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/4/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 13-20, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 2003/0235983), Kobayashi (US 5,741,362) and Juhola (5,636,762) and optionally Hurley (US 5,368,715).

As to claim 13, Li discloses a system, comprising: a chamber (plating chamber 120) configured to process one or more wafers for the fabrication of microelectronic devices; a plurality of tanks (tanks 110, 100) serially coupled to the chamber and adapted to store a fluid used to process the wafers; and a plurality of temperature controllers (heating plates 208, control processes, etc, see paragraph 0054-57) positioned within the system such that the chamber and the plurality of tanks are characterized into at least three different zones based upon adaptations

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of the temperature controllers to maintain the fluid within distinct temperature ranges in the respective zones while processing the wafers. Li specifically discloses that the temperature of the fluid in the plating chamber 120 can be higher than that of the fluid in pre-heat chamber 110, which can be higher than that of the fluid in holding tank 100 (see paragraphs 0037-0039). In any event, Li is certainly capable of being used as claimed.

Li can be interpreted as disclosing that a device used to maintain fluid temperatures, and passive structures for maintaining temperature differentials, but not disclosing the use of multiple devices for controlling the temperature.

Optionally, depending on the interpretation selected for a plurality of temperature controllers, Kobayashi (US 5,741,362) discloses using three temperature adjusters at various locations of a supply chain for a electroless plating bath system (see column 1, lines 5-10). Kobayashi uses different temperature ranges in order to ensure that no deposition is produced in the supply chain (see column 2, lines 43-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the temperature adjusters of Kobayashi in order to ensure that deposition only takes place in the chamber.

Li clearly does not disclose a plurality of volume sensors.

Juhola discloses that it is known to use volume (or level) sensor in the tanks (items 98-101) in order to maintain proper volumes of the process fluid. Additioanlly, Hurley discloses that it is known to couple level and pH sensors to the bath or chambers (see column 3, lines 13-25). Juhola discloses that these sensor allow for refilling of the intermediate tank. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have

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utilized the volume level sensors as disclosed in Juhola and Hurley in order to allow for appropriate volumes in the tanks.

As to claim 14, Li discloses that the plurality of temperature controllers are positioned such that the at least three different zones are arranged in ascending order based upon their respective temperature ranges, and wherein the zone comprising the chamber has the highest temperature range. Li specifically discloses that the temperature of the fluid in the plating chamber 120 can be higher than that of the fluid in pre-heat chamber 110, which can be higher than that of the fluid in holding tank 100 (see paragraphs 0037-0039). In any event, Li is certainly capable of being used as claimed.

As to claim 15, while Li discloses the alternative arrangement (process chamber is higher, bath chamber is lower), the applicant is claiming an apparatus, the intended use does not modify the structure of this apparatus, and Li is capable of being used as claimed.

As to claim 16, Li discloses that one of the plurality of temperature controllers (such as heating plate 208) is arranged within the chamber (the process chamber 120).

As to claim 17, Li discloses that one of the plurality of temperature controllers is coupled to a fluid inlet of the chamber (and see Figure 2a, which shows that the heating element 208 is coupled near to a fluid inlet of the chamber). The proximity of the temperature controller to the fluid inlet in Li would read upon the language "coupled".

As to claim 18, Li does not disclose that one of the plurality of temperature controllers is coupled to one of a plurality of pipes configured to transport the fluid from the plurality of tanks to the chamber. However, the placement of the temperature controllers such that they are coupled to the pipes is obvious due to two separate rationales. First, official notice is taken that

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the claimed placement of the temperature controllers coupled to the pipes is considered well known and conventional. Secondly, rearrangement of parts is obvious (MPEP 2144.04 VI. C.)<sup>1</sup>

As to claim 19, Li discloses that one of the plurality of temperature controllers is arranged within one of the plurality of tanks (see Figure 2a, item 208).

As to claim 20, Li does not disclose that the at least one of the plurality of temperature controllers comprises an infrared heater. However, official notice is taken that infrared heaters are well known and conventional. The prior art discloses that any generic heating could be used (Li, paragraph 0042, "...can be pre-heated...by any suitable method"). One in the art would recognize that infrared heaters are such a suitable method (as well as electric plate heating, resistance heating, etc). One would select the heating element based on various factors, such as economics, power source capabilities, safety requirements, and any other reasonable factor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used infrared heating in order to meet the requirements such as economics, power source capabilities, safety requirements, and any other reasonable factor.

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<sup>1</sup> MPEP 2144.04 VI. C. Rearrangement of Parts

In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.); In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice). However, "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

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As to claim 25, Li discloses that the tanks have different volume capacities (see paragraphs 0039, 0040, 0041 and 0042, which disclose a large volume for the holding tank, and keeping 10% of the bath in the “smaller” intermediate tank).

As to claim 26, Li discloses a plurality of pipes (see figure 1) transporting fluid as claimed, and the disposition of the tanks such that one tank is closer to the chamber (see Figure 1). Also, Li discloses the relative volume capacities, such that one tank comprises a larger volume capacity, and the intermediate tank and plating chamber having the same capacity (see paragraph 0046).

4. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 2003/0235983), Kobayashi (US 5,741,362) (as applied to claim 1 above) and further in view of Shacham-Diamond (US 5,830,805).

Li as discussed above discloses a first chamber as claimed, a first temperature controller, a storage tank, an intermediate tank, a first set of pipes transporting process fluid from the storage tank to the intermediate tank and a second set of pipes transporting the process fluid from the intermediate tank to the chamber.

Li can be interpreted as disclosing that a device used to maintain fluid temperatures, and passive structures for maintaining temperature differentials, but not disclosing the use of multiple devices for controlling the temperature.

Optionally, depending on the interpretation selected for a plurality of temperature controllers, Kobayashi (US 5,741,362) discloses using these temperature adjusters at various locations of a supply chain for an electroless plating bath system (see column 1, lines 5-10).

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Kobayashi uses different temperature ranges in order to ensure that no deposition is produced in the supply chain (see column 2, lines 43-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the temperature adjusters of Kobayashi in order to ensure that deposition only takes place in the chamber.

Li does not disclose pipes configured to transport the process fluid from the chamber directly to the intermediate tank.

However, Shacham-Diamond discloses a pipe (pipe 124) equivalent to the third pipe, which configured to transport process fluid directly from the process chamber to the intermediate or holding chamber (item 148). In addition, Shacham-Diamond discloses a pipe equivalent to the second pipe (and equivalent to the pipe in Li) that transports fluid from the intermediate holding tank to the chamber (the circuit of pipes 158, 164, and 125), as well as a pipe equivalent to the first set of pipes (and equivalent to the pipe in Li, pipe 130, which supplies the holding tank from the supply system, which is not shown). Thus, Shacham-Diamond discloses the basic pipe supply system in Figure 3. Shacham-Diamond discloses that pipe 124 and valve 127 permit recirculation of the process fluid (see column 6, which discloses the recirculation system). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the pipe system of Shacham-Diamond in order to permit recirculation of the processing fluid.

As to claims 28-31, the apparatus of Li is capable of being used with any of the claimed temperature ranges or relationships. Li specifically discloses that the temperature of the fluid in the plating chamber 120 can be higher than that of the fluid in pre-heat chamber 110, which can

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be higher than that of the fluid in holding tank 100 (see paragraphs 0037-0039). In any event, Li is certainly capable of being used as claimed.

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 2003/0235983), Kobayashi (US 5,741,362) and Shacham-Diamond (US 5,830,805) as applied above, and further in view of Juhola (5,636,762)

As to claim 32, Li clearly does not disclose a plurality of volume sensors.

Juhola discloses that it is known to use volume (or level) sensor in the tanks (items 98-101) in order to maintain proper volumes of the process fluid. Juhola discloses that these sensor allow for refilling of the intermediate tank. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the volume level sensors as disclosed in Juhola in order to allow for appropriate volumes in the tanks.

### ***Response to Arguments***

6. Applicant's arguments (based on the amendments) with respect to claims 1-4, 8-20, 25-32 have been considered but are unpersuasive.

7. With respect to the placement of the volume sensors within or without the tanks, such a placement is considered obvious. A new reference has been applied to address this limitation.

8. In response to applicant's extensive arguments (see page 9, addressing the rejection of claim 13 - arguing that "Li lacks the necessary motivation") that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where

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there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Furthermore, the Supreme Court has rejected the rigid teaching, suggestion or motivation test. See *KSR International Co. v. Teleflex Inc., et al.*, 550 U.S. \_\_\_\_\_, docket # 04-1350, page 11. The Supreme Court cautions that when familiar elements are combined to yield predictable, the combination is likely to be obvious.

Here, applicant took a known 3 chamber solution supply processing system (Li), combined with a known temperature control system (Kobayashi), and a known volume control system (Juhola). The result is rather predictable - a solution supply system that has temperature and volume controls. No unexpected results have occurred.

9. In response to applicant's argument that with respect to the Schacham-Diamond reference, tank 148 cannot be an intermediate tank, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Furthermore, intermediate tank, when interpret relative to the plating/application chamber, can result in the tank being the one immediately next to that chamber.

Schacham-Diamond's tank is such a tank.


### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can also be reached by E-mail at [george.koch@uspto.gov](mailto:george.koch@uspto.gov) <<mailto:george.koch@uspto.gov>> in accordance with MPEP 502.03. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
George R. Koch III  
Primary Examiner  
Art Unit 1734

GRK  
6/10/2007